IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIRST DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 3772 of 2005

Between:

M/s Durga Liquors India Pvt. Ltd, Davuluru Village, Kankipadu Mandal, Krishna District, rep. by its Managing Director , Sri . Ramaiah S/o Rachaiah, aged 55 years, R/o Patamata, Vijayawada - 010.

..... PETITIONER

AND

1 The Assistant Provident Commissioner, Employees' Provident Funds

Organisation, Sub-Regional office, 3rd Line, Krishnanagar, Guntur

District.

2 The Recovery Officer, O/o Recovery Officer Employees' Provident Funds Organisation , Sub-Regional Office, 3rd Line, Krishnanagar,

Guntur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, more particularly one in the nature Writ of Certiorari, call for the records from the 1st respondent and set aside the order No. A.P./16484/7A/SRO/GNT/843, dt. 26-7-2004 of the 1st respondent being illegal, arbitrary unjust and violation of provision of E.P.F. Act and Art. 14, 19(i) (g) and 21 of the Constitution of India.

Counsel for the Petitioner:MR.P.MADHUSUDHAN RAO

Counsel for the Respondent Nos.1 & 2: SMT LAKSHMI KUMARI.

The Court at the admission stage made the following :

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ORDER:

Heard the learned counsel for the petitioner and Smt Lakshmi Kumari, learned Standing Counsel appearing for the respondents.

2. This writ petition is filed aggrieved by the order dated 26-7-2004 passed by the first respondent under Section 7A of the Employees Provident Fund Act (for short, 'the Act') determining that the petitioner is liable to pay a sum of Rs. 6,44,890-85 ps apart from Rs.2,46,116/- towards interest.

3. Since against the impugned order, an alternative remedy is available by way of appeal under Section 7-I of the Act, without exhausting the said remedy, the petitioner cannot maintain this writ petition.

4. Accordingly, the Writ Petition is disposed of granting leave and liberty to the petitioner to file an appeal under Section 7-I of the Act within a period of four weeks from today. If any appeal is preferred within the said period, the same shall be entertained and appropriate orders be passed in accordance with law. In the meanwhile, the respondents are directed not to take any coercive steps against the petitioner on the basis of the impugned order for a period of six weeks from today subject to the condition that the petitioner deposits 50% of the amount demanded under the impugned order. It is made clear that any amount that has already been paid by the petitioner, shall be given credit to.

01-03-2005

Sj

To

1 The Assistant Provident Commissioner, Employees' Provident Funds

Organisation, Sub-Regional office, 3rd Line, Krishnanagar, Guntur

District.

2 The Recovery Officer, O/o Recovery Officer Employees' Provident Funds Organisation , Sub-Regional Office, 3rd Line, Krishnanagar,

Guntur District.

3. Two C.D. copies.

Note:

CC by two days.

(Bo)

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